

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

Criminal Action No.
10-CR-583

v.

IANI S. TASSEV,

(Hon. Gary L. Sharpe)

Defendant.

STIPULATION AND ORDER
FOR CONTINUANCE

Gaspar M. Castillo, Esq., the attorney for Iani S. Tashev, having moved for a continuance of 90 days within which the parties may complete discovery, file motions and prepare for trial in the above-captioned action and Richard S. Hartunian, United States Attorney for the Northern District of New York (Daniel Hanlon, Assistant U.S. Attorney, appearing) having consented to the continuance and proposed the exclusion of the additional 90 day period of continuance under the Speedy Trial Act, the parties hereby stipulate and agree as follows:

1. The prior proceedings in this case occurred as follows:

- a. Date of initial appearance or arraignment: January 6, 2011
- b. Date of indictment: December 8, 2010
- c. Defendant custody status: Detained
 - i. Date United States moved for detention: January 6, 2011
 - ii. Date of detention hearing: January 6, 2011
 - iii. Date detention decision issued: January 6, 2011

2. The Court previously ordered the following exclusions under the Speedy Trial Act:

a. Not applicable

3. Iani S. Tashev has requested the continuance based on the following facts and circumstances:

a. The requested continuance allows for the reasonable time necessary for effective preparation by counsel to review the evidence. The continuance requested also allows for the reasonable time necessary for counsel to pursue the negotiation of a disposition of the charges against the defendants, or in the alternative, to file motions.

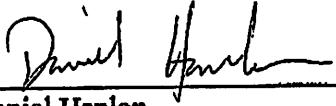
4. The parties stipulate and agree that the ends of justice served by granting this continuance outweigh the best interests of the public and the defendants in a speedy trial because;

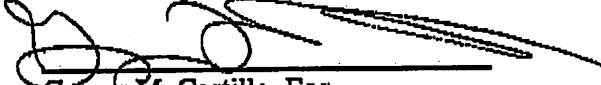
a. The requested continuance allows for the reasonable time necessary for effective preparation by counsel to review the evidence. The continuance requested also allows for the reasonable time necessary for counsel to pursue the negotiation of a disposition of the charges against the defendants, or in the alternative, to file motions.

5. The parties stipulate and agree that a period of 90 days beginning on and including the date on which the Court signs the requested order shall be excludable under the Speedy Trial Act pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(iv).

The undersigned attorneys affirm under penalty of perjury the accuracy of the facts set forth above and apply for and consent to the proposed order set forth below.

Richard S. Hartunian
United States Attorney

By: 
Daniel Hanlon
Assistant U.S. Attorney
Bar Roll No. 514103


Gaspar M. Castillo, Esq.
Attorney for Iani S. Tashev
Bar Roll No. 101316

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ORDER

A. The Court incorporates into this Order the stipulated facts set forth above and hereby adopts them as findings.

B. The Court has considered its obligation under 18 U.S.C. § 3161(h)(7)(A) to determine whether a continuance serves the ends of justice in a manner that outweighs both the public interest and the defendant's rights. The Court finds that pursuant to 18 U.S.C. § 3161(h)(7)(A), the ends of justice served by granting the requested continuance outweigh the best interests of the public and the defendants in a speedy trial because:

1. this delay is necessary in order to allow the parties the reasonable time necessary for effective preparation, taking into account the exercise of due diligence

BASED ON THE STIPULATED FACTS AND THE COURT'S RELATED FINDINGS

IT IS HEREBY ORDERED:

To May 31, 2011

A. A period of 90 days, beginning on and including the date of this Order shall be excludable in computing time under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv) in order to give the parties the reasonable time necessary for effective preparation.

B. The deadline for the completion of discovery by the United States (otherwise due within 14 days of arraignment pursuant to the terms of the Local Rules of Criminal Procedure and the Criminal Pretrial Order) will be extended by ~~90~~ days to April 6, 2011. The deadline for the completion of reciprocal discovery by the Defendant(s) (otherwise due within 21 days of arraignment pursuant to the terms of the Local Rules of Criminal Procedure and the Criminal Pretrial Order) will be extended by ~~90~~ days to April 20, 2011.

C. Any pretrial motions in this case shall be filed on or before May 4, 2011 and shall be made returnable on The Court's next available motion return date.

D. The trial in this matter shall begin on June 6, 2011 @ 9:30 AM before United States District Judge Gary L. Sharpe in Albany, New York or, in the alternative, a change of plea shall be entered on or before June 2, 2011.

Gary L. Sharpe
Hon. Gary L. Sharpe
United States District Judge

Date: March 2, 2011